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Tuesday, 14 December 2004, 10 a.m.

New York

President:	Mr. Belkhadem	(Algeria)
Members:	Angola	Mr. Lucas
	Benin	Mr. Adechi
	Brazil	Mr. Sardenberg
	Chile	Mr. Muñoz
	China	Mr. Zhang Yishan
	France	Mr. De La Sablière
	Germany	Mr. Pleuger
	Pakistan	Mr. Akram
	Philippines	Mr. Baja
	Romania	Mr. Dumitru
	Russian Federation	Mr. Karev
	Spain	Mr. Yáñez-Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United States of America	Mr. Holliday

Agenda

Protection of civilians in armed conflict

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04-64474 (E)

The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

Protection of civilians in armed conflict

The President (*spoke in Arabic*): I should like to inform the Council that I have received letters from the representatives of Argentina, Bangladesh, Canada, Colombia, Costa Rica, Côte d'Ivoire, Egypt, Honduras, Japan, Kenya, Liechtenstein, the Netherlands, New Zealand, Nigeria, Peru and Switzerland, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, the representatives of the aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President (*spoke in Arabic*): In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

There being no objection, it is so decided.

I invite Mr. Egeland to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Council will hear a briefing by Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator. I now give him the floor.

Mr. Egeland (*spoke in French*): I should like to thank members for this opportunity to brief the Security Council with regard to the protection of civilians in armed conflict. The commitment of the Algerian presidency to maintaining that critical priority item on the Council's agenda — a commitment underscored by your presence here among us today, Mr. Minister — is appreciated by the humanitarian community.

(*spoke in English*)

This time last year (see S/PV.4877), I presented to the Council a 10-point platform, which outlined critical areas in which we needed to focus our joint efforts. I would now like to provide members with an update on developments over the past six months and to propose actions that we can take to strengthen protection in several of those areas.

Humanitarian access to civilians in need lies at the heart of the protection response. In order to ensure a more secure environment for the victims of conflict, access for those who can help must be consistently secured. Progress has been made in ensuring better access in some countries. Notably, there have been incremental improvements in access to the 1.6 million displaced civilians in northern Uganda. The promulgation of the Government of Uganda's strategy for the internally displaced and an improving security environment have resulted in sustained access to certain areas and in opportunities to better address the protection needs of the civilian population. Humanitarian agencies must now seize the opportunities provided by that improved access by increasing their activities and their support. In Liberia, improved access to border regions has been facilitated by the completion of the disarmament, demobilization, rehabilitation and reintegration (DDRR) process.

By contrast, the events in the past six months in the eastern Democratic Republic of the Congo perpetuate a pattern of intermittent and sporadic access that leads to continued incapacity to deliver essential services, such as health and education. That region has, accordingly, suffered appalling mortality and malnutrition rates. According to a recent survey by the International Rescue Committee — which is among the largest mortality surveys ever conducted in a conflict zone — more than 1,000 Congolese civilians are dying from war-related disease and malnutrition every day. In the eastern Democratic Republic of the Congo, the mortality rate for children under 5 is 90 per cent higher than the regional norm. The recent movements of

forces into the eastern Democratic Republic of the Congo are worrying, as they further destabilize an already volatile environment and can only lead to a further decline in the quality of life for the civilian population.

The outbreak of violence in Côte d'Ivoire in early November and the subsequent evacuation of international humanitarian staff have also constrained our ability to provide humanitarian assistance and protection. Although the situation appears to be stabilizing and humanitarian staff are redeploying, checkpoints remain in place both in the north and in Government-held areas. Similarly, in Afghanistan, insecurity continues to restrict humanitarian access to areas in the south of the country. We cannot allow ourselves to accept those situations. Peacekeeping efforts that provide a sustained, secure environment in which humanitarian access can be delivered have never been more important.

Tragically, many parts of the Sudan's Darfur provinces present us with some of the worst obstacles to humanitarian access. The blatant breaches of the ceasefire agreements by all parties and the escalation of fighting — including rebel attacks and aerial bombardments by Government forces — have led to the evacuation of much-needed humanitarian staff. That has dramatically reduced our ability to deliver humanitarian assistance and protection for civilians. Experience demonstrates that improvements in access are brought about only when there is engagement and common commitment on the part of all actors and when there is consistency and coherence of approach. I encourage the Security Council to use its authority more energetically, where necessary, to address the issue of access in order to facilitate the delivery of humanitarian assistance and protection.

The security of humanitarian workers is my second concern. Our ability to protect and deliver humanitarian assistance to civilian populations in need is undermined by blatant attacks and threats against our unarmed humanitarian staff. Last Sunday, 12 December, two staff members of Save the Children were deliberately attacked and killed in South Darfur. Attacks by any armed group will only serve to paralyse the large and effective humanitarian operations in the Darfurs. The parties to the conflict — including the political and military leaders — should be held individually responsible for such attacks and for the starvation, disease and deaths among civilians that will undoubtedly result.

In Afghanistan, threats to staff continue to restrict the provision of humanitarian assistance and protection. In Iraq, the brutal execution of our colleague Margaret Hassan starkly brought home the vulnerability of humanitarian personnel and the unacceptable risk to which international agencies operating in Iraq are exposed. The worsening insecurity in parts of Iraq has prompted several large international non-governmental organizations — renowned for their capacity to continue operating in hostile environments — to withdraw their operations. Such withdrawals have severe consequences for civilians, particularly those who have been internally displaced, as they lose access to independent and impartial sources of assistance in a climate of growing insecurity.

In Iraq and Afghanistan, we may be witnessing a disturbing new development where recent hostage-taking incidents indicate a merging of commercial and political motives. Those are difficult and substantial challenges, which require creative solutions that use both humanitarian and political diplomacy. To that end, my Office, together with our humanitarian partners, has engaged in dialogue with religious and civil society groups in regions where there is a perceived threat to humanitarian personnel. More than ever, we rely on cultural and religious leaders to join us in partnership and to come to the defence of independent humanitarian action in the face of such threats. I therefore call upon religious and community leaders to speak out strongly against those who attack unarmed humanitarian workers in Afghanistan, Iraq, Somalia and elsewhere, in blatant violation of religious and cultural values.

Humanitarian organizations also feel that they have been caught in the political crossfire and that the space for humanitarian action is progressively shrinking. Military and political leaders around the world must do their utmost to maintain the distinction between impartial, neutral humanitarian action and political and military activities.

The third protection concern that I wish to address is the need to better protect women and children in armed conflict. A constant and insidious characteristic of armed conflict is the barbaric and indiscriminate use of sexual violence. In past reports

we have documented the atrocious use of rape and sexual violence as a weapon of war. Victims of sexual violence are stripped of dignity and are stigmatized. They are victims many times over: victims of trauma, victims of HIV/AIDS and victims of social and economic distress, left destitute and outcast long after the fighting is over.

The use of sexual violence has been widely condemned by national Governments, by regional organizations, by the General Assembly and by the Security Council, most recently, in the review of the implementation of resolution 1325 (2000) (see S/PRST/2004/40). Despite such condemnation, however, sexual violence persists unchecked. In the Democratic Republic of the Congo and in Darfur, sexual violence continues to intimidate and despoil populations. If sexual violence is so intolerable, why is it so pervasive? This is an issue where there can be no impunity. I hope that the International Criminal Court will use its jurisdiction to clearly demonstrate that crimes of sexual violence will not be tolerated and that perpetrators will be punished. And I hope the Security Council will press for accountability. Surely, the thousands of brutal rapes in the Democratic Republic of the Congo, in Darfur, in Uganda, in Liberia and elsewhere should already have resulted in people being brought to justice.

The use of children in armed conflict and child abduction remain a key challenge to the United Nations and its humanitarian partners. In Nepal, children continue to be forcibly recruited into fighting forces. Throughout the subregion of West Africa, children have long been associated with fighting forces. It is only now that we are beginning to comprehend the extensive implications of years of conflict, in which youth is used and expended as ammunition. That pattern is being sustained in the north of Côte d'Ivoire, where 100,000 children are unable to sit for their exams and are therefore exposed to increased risk of exploitation. Sustained attention must be given to the needs of children through the delivery of humanitarian support, DDRR programmes and longer-term initiatives that address their special reintegration needs.

The plight of refugees and internally displaced persons is my fourth concern. While large numbers of refugees have, in recent months, been helped to return home by the Office of the United Nations High Commissioner for Refugees (UNHCR) and its partners, more than 25 million people remain displaced from their homes by conflict. The largest internal displacement crises remain in the Sudan, the Democratic Republic of the Congo, Colombia and Uganda. Those four have a population of displaced persons totalling more than 10 million. Displaced civilians continue to face intolerable hardships and increasing challenges for their protection. During the past six months, the world has been shocked by the killing in Burundi of more than 150 Congolese refugees within the confines of a camp protected by the United Nations symbol. We have also been shocked by the forced movement of hundreds of thousands of civilians in Darfur. In Iraq, it is estimated that approximately 220,000 inhabitants of Fallujah became internally displaced over a 10-day period in early November. Since then, access to civilians, both those inside the city and those displaced around the city, has been limited by military action and by insecurity on the ground.

I also encourage Member States to fully recognize the needs and rights of those who are displaced. Over the past six months, the Governments of Uganda, Liberia and Somalia have developed national internal displacement policies and have adopted, or made greater use of, the Guiding Principles on Internal Displacement. Those are particularly welcome developments. Similarly, I welcome the Dar es Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region, which commits participating countries to a range of important measures, including respect for and use of the Guiding Principles. Those positive steps need to be reinforced, however, by providing national Governments with the appropriate capacity and support to fulfil their obligations to protect.

Enhancing compliance with international humanitarian, human rights and refugee law and combating impunity is the fifth challenge I wish to address. Many protection concerns will remain unresolved as long as impunity prevails, and it is therefore critical that those who violate international law be held accountable. The role of States in this respect is paramount.

Violations of international humanitarian and human rights law in the occupied Palestinian territories have worsened the lives and welfare of civilians and undermined the ability of the humanitarian community to provide much-needed assistance and protection. The widespread insecurity in Iraq — including

intimidation, hostage-taking, targeted and indiscriminate attacks on civilians and brutal acts of terror — creates major protection concerns. In such volatile circumstances, compliance with international humanitarian law by all sides is critical. Hate propaganda, used to incite and fuel conflict, is a concern in a number of countries, such as Côte d'Ivoire, where the media have become a powerful instrument in fuelling hatred and promoting xenophobia. Targeted sanctions against those individuals responsible for serious violations of international humanitarian law or for inciting public hatred and violence provide an appropriate and necessary response. In general, I would encourage the Security Council to consider making greater use of such targeted sanctions.

In Darfur, the deployment of African Union observers, the establishment of the International Commission of Inquiry and the deployment of human rights observers are important developments. It is imperative that all parties to the conflict cooperate fully with the Commission and provide it with the information relevant to its mandate. Those who have caused death and massive suffering among civilians in the Darfurs should have no reason to sleep well at night

In terms of strengthening the legal framework underpinning the protection of civilians, I am pleased to report that 32 States took 114 treaty actions during the Focus 2004 treaties event in September. Of particular note was the participation of the National Transitional Government of Liberia, which took action in respect of 18 conventions and protocols and, separately, adopted the Guiding Principles on Internal Displacement.

With regard to the sixth challenge — disarmament, demobilization, reintegration and rehabilitation — I would like to focus on reintegration, which I see as the single biggest challenge for DDRR programming. Reintegration poses an enormous challenge in West Africa, where the region is fearful of youth who have learned that economic gain comes from acts of violence. In northern Uganda, where thousands of children have been brutalized and alienated from their families and communities, the challenge of reintegration is also immense. Uganda is currently faced with a historic opportunity for peace and reconciliation, related to which is an urgent need to accelerate reintegration planning efforts to meet the needs of increasing numbers of Lord's Resistance Army fighters coming out of the bush.

Properly reintegrating children and youth requires viable alternatives to violence and sustained support in meeting their long-term needs. That, in turn, requires integrated planning of DDRR programmes, longer-term community-based recovery initiatives and consistent and sustained funding. In Liberia and elsewhere, reintegration programmes remain precariously underfunded. Where a conflict has a regional dimension, effective and sustained DDRR support is all the more critical if we are to prevent the circulation of fighters and small arms from one country to the next. What use are effective disarmament and demobilization efforts if we are not able to provide an alternative life for the ex-fighters before they are drawn back to the guns and the violence?

My seventh and final challenge is neglected emergencies. We repeatedly see ongoing crises eclipsed by the crises of the moment, highlighted through the media lens. The Sudan and the ongoing violence in Iraq currently command the most attention, while dire situations persist in numerous other countries struggling with conflict and violence. We need to keep the spotlight on all crises and ensure that there is a balanced and proportional response to all situations of concern. The humanitarian crisis in Somalia, for example, remains one of the most severe, yet overlooked, crises in the world. With the formation of the Transitional Federal Government, Somalia is now at a crossroads as it faces its best chance in many years of achieving political stability and peace. The international community must seize this opportunity and support efforts to consolidate peace and stability and to alleviate the suffering of the Somali people. Visiting Somalia last week, I was shocked to learn that mortality rates in parts of Somalia were 2 per 10,000 per day: the same as in Darfur, but for the Somalis this situation has been more protracted.

If we are serious about meeting humanitarian needs and laying the foundations for future peace and stability, we cannot afford to leave crises simmering, devoid of an adequate political and humanitarian response. Underfunding, premature withdrawal of support and a failure to address the root causes of conflict leave remnant discontent, creating conditions ripe for insurgency and allowing countries to spiral back into conflict. The case of Liberia in the late 1990s or Haiti in recent years illustrates this all too clearly.

As a humanitarian community, we are, after all, asking for much less than 1 per cent of world military spending to cover all suffering in all conflicts.

I would now like to continue by outlining briefly some key points which I believe will strengthen our ability and greatly enhance our response to the challenges I have just outlined.

My first area of action — an area of utmost priority — is the need to strengthen the overall response capacity of the humanitarian community to provide both effective and timely humanitarian assistance and protection. Efforts to improve our response to the crisis in Darfur have underscored the need to strengthen the collaborative approach to protection. A comprehensive, coordinated approach to the protection of civilians has now been put in place to address the protection deficit in Darfur.

I have also, as Emergency Relief Coordinator, initiated a system-wide humanitarian response review, which will address the current gaps in our response to humanitarian crises, in terms of both humanitarian assistance and protection gaps. We have to fill those gaps as an international community: Member States, donors, United Nations agencies, non-governmental organizations and civil society.

My second area of action is the development of a better reporting mechanism. In his most recent report on the protection of civilians (S/2004/431), the Secretary-General called for a mechanism that would provide better facts and statistics on protection in order to inform and facilitate the Council's deliberations. Examples of the key protection concerns that such a mechanism would address include the number of civilians killed, tortured, displaced or affected by sexual violence, and the total number of those denied access to humanitarian assistance and protection. Work has commenced with agency colleagues to develop a systematic methodology using set criteria and empirical indicators which will allow better comparative analysis and monitoring of protection trends. That will provide the Security Council with concrete and objective information that would enable better assessment of, and appropriate response to, the scale and urgency of key protection concerns. I will provide the Council with a more detailed outline of the reporting mechanism at my next briefing, in June.

My third area of focus is the need to ensure more consistent response to crises and to highlight neglected emergencies. We need to develop better mechanisms to engage donors and engender the political will to address all humanitarian needs and protection concerns equitably. Engaging new donors and drawing on the resources of different actors will be critical to ensuring consistency of response. It is also vital that we provide sustained support in post-conflict situations. Through my Office, I would like to further develop a more systematic review of the impact of underfunding, so that we can alert the Security Council to any potential problems that may exacerbate instability and jeopardize either national or regional security.

Fourthly, it is essential that we place greater emphasis on the role of national actors and that we develop approaches and tools that strengthen their ability to provide protection. In September, my Office initiated a systematic consultation with the Government of Uganda and all national actors to develop a nationally owned strategy for the protection of civilians. This has already resulted in more effective action to address key protection concerns. In January, at the request of the Government of Indonesia, we will undertake similar consultations to assist the Government in developing their own strategy for the protection of civilians. We are in discussions with the Government of Egypt concerning the possibility of convening a regional workshop on the protection of civilians for the Middle East in 2005. Such initiatives can be broadened to support all Members States that face protection challenges.

My fifth point relates to the use of sanctions. If we are to see more effective use of sanctions as a tool, it will be essential to assess and mitigate any potential humanitarian consequences in a more systematic manner. Recognizing this need, my Office, in collaboration with the Inter-Agency Standing Committee, has developed a rigorous methodology to assess the human impact of sanctions. Since it would be essential for the Council to ensure that the unintended consequences of sanctions are mitigated and that the measures imposed do not cause civilian suffering disproportionate to the ends served, I strongly encourage Council members to use that methodology during their deliberations to enhance the use of sanctions as a tool.

My penultimate point underscores the importance of regional organizations in providing protection in armed conflict. The crucial role of the African Union in Darfur is an obvious case in point. It is critical that

regional organizations be provided with the support necessary to fulfil their role. As humanitarian organizations, with 7,000 international and local staff on the ground in Darfur, we are struck by the importance and effectiveness of the African Union forces and observers there, but we are also struck by the fact that still, in December, only one third of the promised African Union troops have been deployed, while African Union police have not been deployed at all. It should be possible for the international community to help increase the capacity of the African Union on the ground, and this should be done urgently. Without this capacity, the civilian population in Darfur cannot benefit from effective protection.

The regional dimension of armed conflict is well understood and the need for a regional approach to address and respond to the civilian consequences of armed conflict is well recognized. We encourage regional organizations to develop common approaches and to incorporate internationally agreed standards for protection in their activities. My Office is currently working to develop stronger cooperation with regional organizations on protection as part of the follow-up to the Secretary-General's fifth high-level meeting with regional organizations.

My final point relates to our own responsibility to protect. Like all Council members, I have been deeply disturbed at the unacceptable incidence of sexual exploitation and abuse by peacekeeping and humanitarian personnel over the past six months. The Secretary-General has set clear standards of conduct to which all staff must be held accountable in his Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse. There is a pressing need to ensure that this is now rigorously enforced. We must commit ourselves to creating and maintaining an environment that prevents such egregious behaviour. The active engagement of personnel-contributing countries is central to this process. I appeal to contributing Member States to give this issue their urgent attention and ensure that appropriate accountability mechanisms are in place.

I have presented both an overview of key protection concerns under the ten-point platform and some practical measures aimed at addressing these challenges in order to tangibly enhance the protection of those in need. We are setting ourselves realistic means by which, through collective action, we can seek to improve every situation. We can no longer accept the status quo. It is time to move to action if we are truly to create a culture of protection that addresses the real needs of civilians trapped in conflict. We must show that the United Nations, its Member States and its humanitarian and regional partners can safeguard the well-being and rights of men, women and children around the world whose lives are being shattered by armed conflict. Our discussions with the Security Council are invaluable; the Council's continued commitment to this shared goal is vital.

The President (*spoke in Arabic*): I would like to thank Mr. Egeland for his detailed statement.

In accordance with the understanding reached among Council members, I wish to remind all speakers to limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate the texts in writing and to deliver a condensed version when speaking in the Chamber.

I shall now give the floor to the members of the Council.

Mr. Karev (Russian Federation) (*spoke in Russian*): For the last five years, the issue of protection of civilians in armed conflict has been a regular fixture of the United Nations and the Security Council. The need for ongoing attention to this matter has been referenced, as well, in the report of the High-level Panel on Threats, Challenges and Change, which found that the Security Council must fully implement resolution 1265 (1999) on the protection of civilians in armed conflict. This notion raises no doubts.

In spite of the existence of an entire arsenal of international instruments on human rights and international and humanitarian law during conflict, we still see, first and foremost, the suffering of completely innocent civilian populations, including women, children and the elderly — people whom we usually call vulnerable — as well as the humanitarian personnel providing assistance to them.

Massive and flagrant violations of international humanitarian law must not go unpunished. Here, an important role devolves upon the International Criminal Court. The situation in ensuring the protection of civilians in armed conflict requires systematic coordinated measures at the international, regional and national levels.

One of the important components of this work is the humanitarian component, particularly as an element of a comprehensive strategy for crisis prevention and in the phases of post-conflict settlement processes. Humanitarian work must, first and foremost, be built on the norms of the United Nations and basic humanitarian principles. Its success largely depends on how it fits into the international community's efforts for political settlement.

We are pleased to note that today's discussion issue is under the direct oversight of the United Nations Secretary-General. In reports submitted on this issue, there is a comprehensive country-specific analysis of the reasons for violations of the norms of international humanitarian law in armed conflict, and there are recommendations to strengthen the protection of civilians. In addition, we believe it very important that, in preparing the reports, the Secretariat must strictly adhere to its mandate, particularly with respect to the legal qualifications of different situations. We hope that, in preparing the next report, countries' concerns and statements on this issue will be fully taken into account.

With good reason the Council is making greater use of regional and country approaches in dealing with the protection of civilians in armed conflict. In that context, it is particularly important to take into account economic, social, historical, religious, cultural and other elements specific to countries and regions and to give attention to each conflict's unique character, root causes and manner of settlement.

The fundamental elements of ensuring the protection of civilians are early warning mechanisms, the elimination of wars and conflict prevention. It is important that efforts to those ends be appropriately coordinated so that in protecting civilians — as in other matters — we adhere to a strict division of labour in accordance with the United Nations Charter and other international legal instruments. We hope that a constructive exchange of opinions on how to improve the work of the Security Council and other bodies of the Organization in protecting civilians in armed conflict will provide additional impetus for progress on this question.

Mr. Yáñez-Barnuevo (Spain) (*spoke in Spanish*): First, on behalf of the Spanish delegation, I would like to thank the Algerian presidency, in particular the Minister for Foreign Affairs of Algeria, Mr. Belkhadem, for convening this meeting of the Security Council on the protection of civilians in armed conflict. Your presence, Mr. Minister, at the head of the Council at this meeting further stresses the importance of our discussion of this important question. We would also like to thank the Under-Secretary-General for Humanitarian Affairs, Mr. Jan Egeland, for his highly valuable briefing on this question.

It is clear that in recent years major progress has been made in the area under consideration, and that is to be commended. However, it must also be recognized that, in most of the crises the Council is facing, the civilian population continues to suffer disproportionately the effects of combat and occupation situations. As Mr. Egeland's briefing provided many examples of that, I need not go into detail.

In the latest report of the Secretary-General (S/2004/431), dated 28 May 2004, which the Council first discussed in a meeting held under the Philippine presidency, ten priorities were listed as the basis of the plan of action presented in December 2003 by Mr. Egeland; we believe those priorities should continue to be our fundamental frame of reference.

Given the brief time we have available, the Spanish delegation shall focus on only some of those priorities.

In 20 conflicts in the world, humanitarian access is continued to denied or impeded to 10 million people who need food, water, refuge and medical assistance, leading to the unnecessary suffering of the civilian population. International pressure, often through the action of the Council, has in various cases managed to remove many of those obstacles, although there continues to exist, in certain places and at certain moments, practical difficulties that need to be dealt with. The protection of the civilian population is the responsibility of all reputable States and all parties to an armed conflict. If a Government does not have the ability to protect or help its own population or is not willing to do so, the international community, in particular the United Nations, must fulfil that protective function. To that end, international attention must not weaken, pressure must be maintained and all bodies and agencies of the United Nations system must act with the same goal.

Secondly, we are greatly concerned at the situation of the more than 50 million people in the world that have become internally displaced persons or refugees. Any process for the normalization of life following a conflict must include the voluntary return of internally displaced persons and refugees to their place of origin. If that return does not take place, we must ensure that the camps for refugees and internally displaced persons meet basic sanitary and security standards. Armed groups cannot be allowed to infiltrate refugee camps to recruit or kidnap men, women and children, as such acts violate the civilian and humanitarian nature of the camps and leave the population and refugees vulnerable to attacks from various factions.

Thirdly, we would like to stress the importance of attending to the most vulnerable sectors of society. I am referring in particular to the protection of women and children. In spite of the efforts made, more than 300,000 minors under the age of 18 are directly involved in armed conflicts, while acts of sexual violence continue to be a brutal weapon of war, used with excessive frequency by several belligerent groups. The physical, psychological and social consequences of those practices are appalling and can even destroy the links that bind a community. For that reason, the efforts in this area must be intensified, incorporating in international peacekeeping missions qualified personnel to assist victims, raising awareness on these issues within the institutions of transition that carry out national reconciliation processes and improving medical, emergency, support and comprehensive rehabilitation services for the victims of sexual violence. Those actions should be carried out by the bodies of the United Nations system in cooperation with non-governmental organizations and other entities active in that area.

Finally, we believe that it is important to put an end to impunity for particularly serious acts of significance for the international community as a whole. Unfortunately, in many cases, those crimes continue to be committed in complete impunity. We firmly believe that the perpetrators must be brought to justice, because that is the only way to deter other possible perpetrators. To that end, it is necessary to continue efforts to improve national penal systems through adequate international assistance. If the action of the national authorities is insufficient, due to their lack of will or capacity, international judicial bodies must be able to take action. In that context, my delegation firmly supports the appeal of the Secretary-General contained in his report (S/2004/431) of 28 May 2004 for universal ratification and accession to the statute of the International Criminal Court, as well as to the treaties concerning international humanitarian, human rights and refugee law.

In conclusion, we express our agreement with the draft presidential statement that has been prepared by the members of the Council as a whole, as a result of the impetus of the Algerian presidency. I would also like to express our interest in and support for the guidelines of action announced by Mr. Egeland at the conclusion of the very thorough briefing he gave at the start of this meeting.

The President (*spoke in Arabic*): I would like to welcome the Secretary-General, who has just joined the Security Council.

Mr. Muñoz (Chile) (*spoke in Spanish*): First, I would like to thank the Algerian presidency for convening this important discussion on the protection of civilians in armed conflict. I would also like to express our thanks for the briefing by the Under-Secretary-General for Humanitarian Affairs, Mr. Jan Egeland. In particular, Sir, I should like to welcome your presence as Minister for Foreign Affairs of Algeria, which gives this meeting special importance.

This second open debate on the item under consideration in this year that is coming to an end reflects the importance that the Security Council attaches to the protection of civilians in armed conflict.

A primary consideration in the context of this item is the need to reaffirm the principles of international law and of human rights in order to ensure the safety of millions of innocent civilians, among them women, the elderly and children, who are exposed to numerous and varied forms of violence in armed conflict.

We must also stress the fact that it is the parties to the conflict — whether State or non-State — that have the primary obligation to protect civilians, in accordance with the norms and principles of international humanitarian law.

Against that backdrop, we wish to emphasize the need for all States to be parties to, and comply with, instruments related to the protection of civilians, such as the Geneva Conventions and their Protocols, the

Convention on the Prevention and Punishment of the Crime of Genocide, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and other conventions.

Since Secretary-General Kofi Annan initiated the programme on the protection of civilians in armed conflict, we have become more familiar with the topic as well as with related norms and recommendations. For example, there has been an expansion of the mandates of Security Council peacekeeping operations and an increase in the resources allocated to them, in order better to enable them to protect civilians.

A particularly positive aspect has been the inclusion in peacekeeping missions of disarmament, demobilization, reintegration and rehabilitation programmes for combatants, as well as of mechanisms to protect refugees and returnees. In that framework, we are gratified by the Council's willingness to welcome the valuable contributions made by regional and subregional organizations.

We have also made progress in the fight against impunity, through the establishment of the special tribunals for Rwanda, the former Yugoslavia and Sierra Leone, for example, and, most importantly, through the establishment of the International Criminal Court. International tribunals, however, can operate only in a subsidiary capacity in the context of the internal jurisdiction of the State in which crimes against civilians are committed, since it is the State that has the primary responsibility to arrest, try and sentence the guilty.

Despite the progress made, much remains to be done. Indeed, the Secretary-General's report notes that, in more than 20 armed conflicts around the world, humanitarian assistance is either denied or obstructed for over 10 million people. In that context, we believe that interaction of the competent agencies of the United Nations and of other humanitarian bodies with non-State agents, whether they are officially recognized or not, is of fundamental importance in order to prevent or mitigate threats to civilians.

Displaced civilian populations require particular attention on our part. The forced recruitment of child soldiers and the rape and sexual abuse of women and children warrants our firm condemnation. Nor can we overlook the so-called forgotten emergencies. For that reason, we believe that the implementation of the 10-point platform that the Under-Secretary-General for Humanitarian Affairs submitted to the Security Council last December is crucial, as it contains elements that are key to moving forward.

Likewise, the various national and international authorities, such as the High Commissioner for Refugees and the High Commissioner for Human Rights, must act in close coordination in order to set up an early-warning network that would make it possible to prevent conflict. The effective prevention of conflicts also requires the establishment of a long-term strategy that would pinpoint the causes of the conflict. That means that we have to find ways to ensure sustainable development, eradicate poverty, and promote national reconciliation, democracy and good governance.

Furthermore, the direct attacks that have taken place against United Nations personnel make clear the great vulnerability of our Organization's humanitarian personnel, as well as that of the Red Cross and Red Crescent societies. In that respect, we agree with the Secretary-General that legal measures must be taken to expand the scope of the 1994 Convention on the Safety of United Nations and Associated Personnel.

More than five years have elapsed since the Secretary-General initiated the programme on the protection of civilians in armed conflict. Progress has been made, but millions of civilians are still being subjected to extreme violence. That is why we believe that the Security Council has to continue to discuss the possibility of adopting additional measures that would promote a culture of protection.

In that respect, we could consider adopting a new resolution on the protection of civilians in armed conflict that would include all the elements involved in that area. We could consider also other initiatives, such as the establishment of an ad hoc group on the protection of civilians in armed conflict that would make recommendations and provide follow-up to the decisions taken by the Council. The report of the Panel set up by the Secretary-General contains other ideas that merit in-depth analysis.

To conclude, we would like to reaffirm our belief that the protection of civilians in armed conflict is one of the major challenges facing the United Nations. The credibility of the Organization will also depend on our ability to offer civilians a life in conditions of dignity and free from fear. After all, the United Nations was

created to protect human beings from the threats of both war and violence.

Mr. Akram (Pakistan): Mr. Foreign Minister, we are grateful to the Algerian presidency for organizing this open debate on the protection of civilians in armed conflict and warmly welcome your personal participation in, and your presiding over, this important meeting. We are also thankful to Under-Secretary-General Jan Egeland for his comprehensive briefing and review of various conflict situations in the context of the 10-point platform. We also particularly welcome the presence of the Secretary-General at this meeting.

About five years ago, the United Nations began systematically to approach the issue of the protection of civilians in armed conflict. Stark and disturbing evidence makes it clear that civilians, particularly vulnerable groups such as women and children, continue to bear the brunt of armed conflict and remain the prime victims in such situations.

I should like to make eight points on the subject under discussion.

First, the most important problem, as we see it, is to ensure full respect for international humanitarian law. In situations of foreign occupation, human rights organizations have extensively documented the incidence of harassment, extortion, abduction, search-and-cordon operations, unlawful detentions, and arbitrary and extrajudicial killings. Rape has frequently been used as an instrument of war, to dehumanize women and humiliate the communities to which they belong. Such crimes are committed without any accountability for the perpetrators. There is no possibility of justice for victims under foreign occupation.

The Secretary-General rightly stressed in his report of May 2004 that

> "Compliance by all parties to conflict with international humanitarian, human rights, refugee and criminal law is critical in all of these situations, whether they are situations of armed conflict, occupation or transition." (*S/2004/431, para. 3*)

Article 48 of the Protocol Additional to the Geneva Conventions stipulates that

> "In order to ensure respect for and protection of the civilian population ... the parties to the conflict shall at all times distinguish between the civilian population and combatants."

Unfortunately the disproportionate use of force, excessive rules of engagement, indiscriminate deployment of high-yield weapons and ill-treatment of prisoners have rendered such injunctions largely meaningless. Resolution action on the part of the international community is required to reverse these unacceptable trends.

Secondly, it is imperative to bring an end to the culture of impunity. The parties guilty of harming civilians must be identified and the perpetrators brought to justice swiftly. All available legal mechanisms must be fully utilized to investigate, prosecute and punish the culprits.

Thirdly, immediate, safe and unhindered humanitarian access to civilians in all conflict situations is critical to saving lives. No party should be allowed to deny or obstruct such access in any phase of the conflict.

Fourthly, provision of emergency relief assistance to civilian victims of conflict is vital. Besides mobilizing resources through voluntary contributions, consideration must be given to providing funding through the regular budget as well.

Fifthly, deliberate violence against humanitarian and United Nations personnel is an unacceptable and relatively recent phenomenon. Measures should be taken to hold perpetrators accountable in line with Security Council resolution 1502 (2003).

Sixthly, sexual violence and other abuses of women and children are inexcusable. Consideration should be given to the adoption of a declaration that the targeting of women and use of rape as an instrument of war constitute a war crime. Concrete steps must also be taken to bring the abominable use of child soldiers to an end. In this context, we welcome the Secretary-General's attention and efforts to address the problem of sexual violence by United Nations peacekeepers or civilian personnel.

Seven, a coherent and integrated approach by all actors is essential. Closer coordination must be guaranteed among the national players — the International Committee of the Red Cross, the United Nations, regional and subregional arrangements and humanitarian organizations providing protection and relief assistance to civilians in armed conflict.

And eight, regular monitoring and consistent and objective reporting by the United Nations system across all conflict situations must be ensured with a view to encouraging necessary responses from the international community. In our view, there should be no neglected emergencies, no ignored conflicts.

In conclusion, let me say that strengthening the framework for the protection of civilians in conflict situations, which are characterized by an increasingly challenging environment and diversity of actors, is not an easy undertaking. The Security Council should remain focused and keep individual civilian victims of conflict at the centre of attention. But this must also be done within a larger framework that puts an equal premium on conflict prevention, conflict resolution, addressing root causes and providing long-term assistance to tackle the developmental and reconstruction challenges of States affected by or likely to be engulfed by conflict. As the Secretary-General has stressed, our efforts to promote a culture of protection can achieve moral authority and credibility only through principled, consistent and effective practice.

Mr. De La Sablière (France) (*spoke in French*): First of all, Mr. President, I would like to say how pleased my delegation is with the initiative you have taken. The fact that you have come to chair this debate in person shows very well the importance that Algeria accords to the question of protection of civilians. We are also pleased to see that Secretary-General has joined us, since he has done so much to protect civilians in armed conflicts. I would also like to thank Mr. Egeland for his statement, which has provided a great deal of information.

I associate myself with the statement that the Ambassador of the Netherlands will make shortly on behalf of the European Union. For my part, I will just make a few remarks.

The protection of civilian populations in armed conflicts has become a major issue for international peace and security. To us it seems important that this matter be treated, at least in part, from the standpoint of collective security and the use of force in the report of the group of eminent personalities. There is a collective obligation to protect when a State is no longer in a position to exercise one of its primary responsibilities — to protect the population living on its territory — or no longer has the will to do so. It is therefore crucial that the question of protection of civilians in armed conflict be on the Council's agenda. It has been on the agenda for five years, but it is now high time to fine-tune our analysis and our strategy regarding the Security Council's responsibility to protect.

I note first that the protection of civilians has become an integral part of the mandates of most peacekeeping operations. It is worthwhile that there be discussions on integrated missions between the Department of Peacekeeping Operations and the office of Mr. Egeland, with the purpose of better defining relations between the military and humanitarian components. But we must distinguish these integrated missions, which have other objectives besides protection, from actions taken by the Council that are centred on protection, which could be authorized in future on the basis of the emerging norm of collective obligations to protect.

France welcomes that development and has very logically made some proposals on that subject. Furthermore, this is the idea behind the recommendations of the group of eminent personalities, which in this area will bring up military interventions as a last resort. We believe the Council should deal directly with massive violations of international humanitarian law. It has a range of possible options. In the most dramatic situations, a military intervention might be the only option to avoid or stop substantial loss of human life, but I would recall that such an this option would be without prejudice to other actions that the Council might undertake first — preventive diplomacy or deployment of civilian or military prevention forces.

At any rate the role of the Council must be properly connected with the protection mandate of other United Nations bodies — the General Assembly, Economic and Social Council, the Human Rights Commission of course — but also the agencies that, alongside the International Committee of the Red Cross and other international organizations and NGOs, are often the first responders on the ground when there is a humanitarian emergency. The recent experience of Darfur shows the need to establish a comprehensive protection strategy, which will allow us to better coordinate actions among all participants. Proper coordination on the ground is, in fact, a guarantee of effectiveness.

The Council's taking effective action in terms of protection also depends on what tools and what information are available to it. Excellent work has been done in this regard with the aide-memoire in particular. The 10 action points identified by Mr. Egeland are a very useful platform and will allow us to take up all aspects related to civilian protection.

We perhaps could go further. I have a few suggestions.

First, the reports of the Secretary-General on the protection of civilians could be presented to the Council annually, instead of every 18 months. They could also more systematically catalogue the elements that constitute protection crises and include, for example, a listing of particularly serious situations pertaining to the refusal to grant humanitarian access and cases in which camps for refugees or displaced persons are attacked or infiltrated by armed elements. The reports could also be more specific when it comes to those victimized by sexual violence who are used as a weapon of war.

Moreover, when necessary, the practice of providing biannual briefings could be supplemented by more specific briefings. Those briefings could deal with especially worrisome situations, as has already been done, for example, with regard to Darfur and Uganda. These briefings would be given without prejudice to other measures — for instance, the Council hearing the High Commissioner for Human Rights.

Mr. Egeland has just given us a rather bleak assessment of the situation. Allow me to respond to some of the points made in his briefing.

I should first like to take up the right to humanitarian access, which is the logical corollary to the right of civilian populations under threat to assistance and protection. It is unacceptable for that right or its legal underpinnings to be contested. It is equally intolerable for combatants to target humanitarian personnel providing assistance on the ground. We have the duty to continually reaffirm the right to humanitarian access in the texts we adopt. However, such a necessary standard reminder is clearly not enough. In cases where a crisis of access arises, the Council often needs specific information, for which it might be useful, and even necessary, to deploy fact-finding missions to very precisely identify the causes and scope of a problem. While insecurity in combat zones is difficult to deal with in the absence of a ceasefire, other obstacles to access — such as administrative impediments and the refusal to issue visas and laissez-passers — can be dealt with quickly, as was done in the case of Darfur.

It is often necessary to establish contact with all parties to a conflict, and in particular with armed groups controlling parts of a territory in which people under threat live. I know that carrying out a dialogue with non-State actors is a delicate matter. However, once again, the need to assist and protect should be more important than anything else. If, for obvious reasons, officials are unable to negotiate access, they should not stop humanitarian personnel, agencies or non-governmental organizations from doing so.

As Mr. Egeland pointed out in his briefing, the fact that the use of sexual violence as a weapon of war is increasing is another very serious issue. The reason for that can usually be summed up in one word: impunity. For example, thousands of women have been raped and attacked in the Democratic Republic of the Congo and Darfur. The people who committed those crimes, which are serious violations of international humanitarian law and are so defined by the Rome Statute, have to date not been subject to proceedings. That situation cannot be tolerated, whatever the reasons for the impunity — be it voluntary inertia, the physical inability of authorities or the collapse of national judicial systems. The culprits must nevertheless be identified and held accountable for their actions. Whether to name and shame those responsible should be considered in very serious situations; it is a matter that deserves to be looked into further.

More generally speaking, the international community has not yet satisfactorily addressed the issue of impunity regarding those who launch deliberate attacks against civilians. We have made some progress, but it is not enough. There are several reasons for that. One, and certainly not the least, is the lack of consensus with regard to the International Criminal Court. As a result, the division that exists in that connection has led to considerably limiting the Council's action today. This is a real problem. Combating impunity follows the same logic as the provision of protection, to which I referred at the beginning of my statement. The international community should react unanimously when a State cannot charge individuals who commit gross

violations. In particular, the Council must be able to turn to article 13 (b) of the Rome Statue, which provides the Council with the option to approach the Prosecutor of the International Criminal Court. It seems to me that there must a minimum of consistency in that regard. We cannot use article 98 of the Statue and then block the use of article 13 (b), which would make it possible to effectively combat impunity.

Lastly, allow me to say a few words with regard to a matter that France has been following very closely, and that is the situation of children in armed conflict. International humanitarian law provides special protection for children because they are the most vulnerable members of a civilian population. It is therefore especially intolerable that not only would such protection be denied them, but that they would also be recruited as combatants. The Security Council must continue to be involved in this area in order to effectively combat such terrible practices. I am pleased that, on the initiative of Benin, the Council will address this matter in greater detail at the beginning of next year. I hope that the report of the Secretary-General on this question will soon be available. The matter is too serious for there to be any overriding considerations other than the interests of children — be they legal, political or bureaucratic in nature.

In conclusion, I would like to express France's full support for the draft statement that has been prepared by the Algerian presidency. That text is very useful in that it focuses on the major problems associated with the protection of civilians, including those that I have just mentioned. I hope that it will be possible to go further next year and to adopt a resolution that takes into account the considerations that have been raised with regard to the Council's role in the area of protecting civilians.

The President (*spoke in Arabic*): I thank the representative of France for his kind words directed at my country.

Mr. Zhang Yishan (China) (*spoke in Chinese*): At the outset, I would like to welcome the President and to thank him for having travelled to New York from afar to personally preside over today's meeting. His having done so clearly demonstrates that he and his country attach great importance to the United Nations, the Security Council and the issue we are considering today. I would also like to thank the Secretary-General for the relevant information he has provided, as well as Under-Secretary-General Egeland for the briefing he has just given.

In recent years the issue of protecting civilians in armed conflict has been the subject of increasing international attention and concern. The Security Council has taken up the matter on numerous occasions and has adopted relevant resolutions and presidential statements. Other United Nations agencies have also made great efforts. Many humanitarian organizations have also played a positive role in relieving the suffering of civilians in armed conflict. The basic needs of thousands upon thousands of civilians for food, water and medicine, can hardly be assured. Civilians are the targets of repeated attacks of all kinds. Thus, it is obvious that much remains to be done by the international community concerning the protection of civilians. In that regard, I wish to stress the following points.

First, all parties to a conflict should strictly abide by international humanitarian law and scrupulously fulfil their obligations with regard to the protection of civilians. The relevant United Nations agencies and peacekeeping operations should increase their advocacy of international humanitarian law and raise the awareness of parties to a conflict of their civilian protection responsibilities, and should ensure that the relevant peace operations abide by provisions concerning the protection of civilians. Moreover, humanitarian relief workers and organizations should strictly abide by the principles of justice, impartiality and objectivity, and should refrain from involvement with, or support for, any party to a conflict.

Secondly, facts have shown that military means do not provide a fundamental resolution of conflict and in many cases only serve to complicate matters and result in greater casualties among innocent civilians. Only focusing on prevention and addressing both the symptoms and the root causes of conflict can result in the fundamental settlement of a conflict, and in the protection of civilians.

The international community should provide help to effective countries or regions in conflict to formulate comprehensive and integrated strategies of conflict prevention, remove the root causes of conflict, promote national integration and reconciliation and attain sustainable development. Coordination and cooperation should be strengthened within the United Nations

system, and among the United Nations system, regional organizations and United Nations Member States.

The Security Council should make further efforts to contain conflicts and promote and consolidate peace processes. In addition, the attainment of the Millennium Development Goals would contribute to the international community's efforts to prevent conflicts. We appeal to all parties to address that issue, and to take effective follow-up measures.

Finally, I would like to pay high tribute to humanitarian workers who brave warfare and make selfless contributions without regard for their personal safety and their lives. They have not only brought food and medicine to those in dire situations and need, more important, have also brought hope for survival. We condemn all attacks against humanitarian relief workers and appeal to all parties to implement Security Council resolution 1502 (2003) in earnest and to punish severely those responsible. We also appeal to all countries to give positive consideration to accession to the Convention on the Safety of United Nations and Associated Personnel.

Mr. Baja (Philippines): We are honoured, Mr. Minister, that you are presiding over the Security Council meeting on this important issue of the protection of civilians, and we thank your delegation for convening this open debate. I also thank the Under-Secretary-General for Humanitarian Affairs, Mr. Jan Egeland, for presenting an update on protection issues in conflict situations and for stressing his seven challenges and recommended responses with regard to those protection issues.

The continued and worsening suffering of many civilians today is an unacceptable irony considering the advances that man has achieved in the new millennium. Just as collective efforts in commerce and information technology have benefited mankind, collective efforts are also essential in responding to the various protection challenges that are bound to affect societies. Three major points will give a fresh perspective on the issue; a system-wide approach; more proactivity; and domestic ownership of a culture of protection.

Concerning the system-wide approach, my delegation is happy to note that the Security Council appears to have accepted the link between security and human rights and the growing consciousness within the United Nations with regard to the crucial importance of a coherent system-wide response to the situation of affected civilians. No organ or entity of the United Nations has a monopoly on effective response. The work of the Council on the issue should, therefore, be effectively integrated with the work of other entities in the Organization — particularly with that of the General Assembly, the Economic and Social Council and the specialized agencies — and, in applicable cases, with the work of non-governmental organizations and civil society.

In that regard, we cannot overemphasize the value of the road map for the protection of civilians, which lays out the responsibilities of all concerned United Nations entities. We call for a periodic assessment, possibly to be led by the Under-Secretary-General for Humanitarian Affairs, of the progress by various concerned United Nations organs and agencies in the discharge of their mandates in this area. That information could very well feed into an enhanced and accurate reporting and monitoring framework and also provide valuable input for the review of the Millennium Declaration, which identified the theme of protecting the vulnerable as a priority.

The report of the High-level Panel on Threats, Challenges and Change (A/59/565) stresses the need for United Nations organs, including the Security Council, to be more proactive in their work. Indeed, my delegation believes that that recommendation cuts across all the issues within the Council, including its work on the protection of civilians.

It may be observed that the greater part of the work of the United Nations in protecting civilians involves after-the-fact operations that are mainly reactive responses to crises. Although it is understandable that work in protecting civilians occurs more during or after a conflict, there should be more effort to protect civilians in the face of imminent conflict. That proactive way of protecting people will save more lives and reduce vulnerability to the grim consequences of conflict. Specific strategies would entail a more systematic incorporation of protection issues in the planning of all peace support operations to include procedures, inter alia, to detect and prevent sexual and gender-based violence, mitigate the negative consequences of displacement and curb the use of small arms to perpetuate conflict.

More fundamentally, being proactive in the protection of civilians fosters the prevention of conflict. Pivotal to meeting the challenges of

preventing conflict and related security threats is the analysis of and response to the root causes of conflict. As observed by the High-level Panel in its report, lack of development undermines peace and security. The Panel also emphasized that development is vital in preventing the erosion of the capacity of States in meeting the threats to security and constitutes the way towards peace and security in the long term.

The United Nations is auspiciously placed to forge regional networks of cooperation and support in order to ensure the protection of civilians at all stages of conflict — more favourably, at the pre-eruption stages. The work that the Council undertakes in harnessing regional and subregional cooperation contributes to achieving a proactive strategy for the protection of civilians. The role of humanitarian organizations in that regard is important and has been acknowledged to be so, and it will continue to be vital in the future. Such recognition could best be evidenced by granting those organizations unimpeded access to civilians in need — and, more so, by ensuring the safety of their personnel.

Finally, like many other principles and systems, a culture of protection of civilians can hardly be imposed on any society. For it to be truly absorbed, there should be genuine domestic ownership of a culture of protection. Nevertheless, the international community needs to engage in emergency conflict situations where there is a lack of willingness or capacity of States to protect civilians.

The United Nations should lead efforts in capacity-building for States that request it and in facilitating the mobilization of needed resources. Along those lines, peacekeeping operations should have robust and well-resourced human rights components focusing on children and gender. The Security Council promotes domestic ownership of a culture of protection by enabling concerned States to effectively respond to crises and ensure respect for and adherence to the principles of international law. United Nations country teams and peace missions can also play a role in facilitating the devolution of a culture of protection from the national level to the local levels of society. Once again, the reports, briefings and proposals by humanitarian organizations, based on their experience on the ground, will be of immense help in that regard.

The agenda for the protection of civilians requires sustained and pragmatic commitment. Political will among all concerned should be heightened and translated into tangible strategies to improve the environment of protection for all civilians. That would now best be applied in the specific crises cited by Under-Secretary-General Egeland, such as those in the Democratic Republic of the Congo, Côte d'Ivoire, Afghanistan, the Sudan, Iraq, Liberia and Somalia. We are happy to note that those protection issues are firmly on the Council's radar.

Sir Emyr Jones Parry (United Kingdom): At the outset, may I thank you, Mr. President, and the Algerian presidency for convening this meeting and for choosing this particularly important subject. We are honoured to have you with us here today.

I would like to associate myself with the remarks to be made subsequently by the Dutch presidency of the European Union.

Allow me also to thank Under-Secretary-General Egeland for his comprehensive and powerful briefing. I would like now to respond to some of the points that he made.

First, humanitarian access lies at the heart of the protection response. The inability to deliver humanitarian relief to victims of conflict directly concerns this Council. We therefore concur with Mr. Egeland's encouragement that the Council use its authority where necessary to facilitate assistance and protection. We need to strengthen the overall response capacity of the humanitarian community.

Secondly, in order to do that we must reduce the delays in humanitarian financing for the provision of that assistance and protection. Donors must do better in that regard and disburse funds more quickly, including, upon request, to regional organizations, which also play an important part in protecting civilians. The need for a quick response to an individual crisis should not be delayed by tardiness in producing a response to a special dedicated appeal.

Thirdly, there is an urgent need to strengthen the collaborative approach to protection, especially at the field level, between humanitarian and human rights actors. We note a serious lack of results-based reporting on protection objectives in humanitarian programmes. This could perhaps be considered along

with the Secretary-General's proposal for a mechanism to provide better facts and statistics on protection.

Fourthly, threats to humanitarian staff threaten the viability of humanitarian operations. We must find creative ways to address that problem, using humanitarian and political diplomacy, recognizing that the relationship between humanitarian action and the objectives of political and military activity is more complicated than was suggested by the Under-Secretary-General. In Iraq, the recent abduction of Margaret Hassan provides a chilling reminder of the dangers faced by humanitarian personnel in the field, and we take this opportunity to pay tribute to Margaret's tireless efforts to help those in need.

Fifthly, we need to address sexual and gender-based violence in a more systematic way, perhaps through the International Criminal Court. We agree with Mr. Egeland that there can be no impunity for such acts and that the Council must press for accountability. That must apply, in particular, to the behaviour of personnel working in the field under the flag of the United Nations. We all have an obligation to ensure strict adherence to the standards of conduct that the Secretary-General has set out in his bulletin.

Sixthly, this wide-ranging debate on the protection of civilians in armed conflict is very welcome. It demonstrates the Security Council's interest and competence in the subject. However, in the view of the United Kingdom, we must adopt a more proactive stance. Jan Egeland has suggested some areas for follow-up, but there are more, including the need to look at situations in which the difficulty of humanitarian access portends potential conflict. The United Kingdom believes that a stronger role by the Council throughout the conflict spectrum is overdue. The Council therefore should engage more directly in the commitment to prevent and in the responsibility to protect. The follow-up to the report of the high-level panel gives us the opportunity to move that agenda forward.

The situation in Darfur exemplifies why these points are important. Six months ago, in his last briefing to the Council, Mr. Egeland expressed deep concern about attacks on civilians in Darfur. Sadly, that situation has improved little. The recent escalation of violence and the continued breaches of international human rights and humanitarian law underline the failure to protect civilians in Darfur. Unless all parties abide by their commitments, halt hostilities immediately and agree on a political solution to the conflict, the international community, including this Council, will need to take more decisive action. The United Kingdom welcomes the text of the proposed presidential statement and, like Ambassador De La Sablière, we would like to see a resolution adopted soon in this area.

Finally, by way of an advertisement, I would like to announce that the British Government will host a Wilton Park conference on the protection of civilians in February 2005. The conference will examine the definition of "protection", as well as the protection gap between the legal framework and the realities on the ground. We are in the process of finalizing the details of that conference. My delegation will be happy to provide more concrete information in due course.

Mr. Pleuger (Germany): Mr. President, I would like to welcome you to the Chair. We feel very honoured by your presence, which shows your commitment to this cause. We thank you for giving the Council the opportunity to return to the very important issue of the protection of civilians in armed conflict. I also wish to thank Mr. Egeland for his comprehensive briefing, which provides food for thought and impetus for further action.

Germany fully aligns itself with the statement that will be given by the delegation of the Netherlands on behalf of the European Union later in this debate.

The latest report of the Secretary-General on the protection of civilians in armed conflict (S/2004/431) charts the way forward. Germany fully endorses the report and the recommendations and observations contained therein.

In the year 2005, we will aim for a major stocktaking of where we stand in the achievement of the goals that we agreed upon at the Millennium Summit in 2000. The protection of civilians in armed conflict is one of the priorities in the Millennium Declaration; it cites the need to expand and strengthen the protection of civilians in complex emergencies and crises in conformity with international humanitarian law.

This Council has ample reason to continue and intensify its consideration of this cross-cutting issue in the months to come. The success and sustainability of our efforts hinge on how we handle the matter.

Cross-cutting as it is, protection must go beyond a short-term humanitarian engagement. Humanitarian assistance and its tools are vital, but we need more: cooperation and coordination with all actors responsible for security, crisis prevention, disarmament, demobilization, reintegration and repatriation, law enforcement, capacity-building, reconstruction and development, and other relevant components. All partners must act in the spirit of a humanitarian social contract. The problem of illicit small arms and light weapons in many conflict regions needs to be tackled in parallel to the demobilization and disarmament of ex-combatants.

The protection of civilians in armed conflict is a highly complex subject — so complex that the Council saw the need to adopt an aide-memoire that breaks the topic down into tangible fields, or elements of protection. We would like to emphasize the usefulness of the aide-memoire and of the road map on the protection of civilians in armed conflict as tools to better facilitate and synchronize discussion and action to be taken. Germany also endorses the 10-point platform that was presented by Under-Secretary-General Jan Egeland to the Security Council at its meeting last December. My delegation would see great merit in the adoption of the 10-point platform by the Council.

On this occasion, Germany would like to propose three points that we deem to be of crucial importance concerning areas where the need for progress is urgent. These points are also reflected in the report of the High-level Panel on Threats, Challenges and Change. We appreciate the fact that the authors of the report saw a need to touch upon the protection issue, and we agree with their recommendations in that regard. We propose the following.

First, let us put an end to impunity. Impunity is one of the worst root causes of the violation of the integrity of civilians. Parties to armed conflict need to comply with international humanitarian law, in particular the four Geneva Conventions and their two Additional Protocols. If we do not end impunity for violations of international humanitarian law, refugee law and human rights law, there will be no deterrent for the perpetrators of such acts of violence and aggression. Combatants who violate the principles of humanitarian law — be it by committing acts against civilians or acts against humanitarian personnel — need to know that they are acting against fundamental principles of humanity and that their acts will eventually come under the close scrutiny of the International Criminal Court or of a regional tribunal.

In that regard, we fully concur with the High-level Panel in its calls on combatants to abide by the provisions of the Geneva Conventions and on all Member States to sign, ratify and act upon all treaties relating to the protection of civilians, including the Convention on the Prevention and Punishment of the Crime of Genocide, the Geneva Conventions, the Rome Statute of the International Criminal Court and all refugee conventions. I would like to emphasize the role that the International Criminal Court might have in addressing the issue of impunity. We regret that there is serious disagreement about the role of the Court. We believe that we should consider options and possibilities aimed at bridging those differences, because we need to advance further towards universal acceptance of the Court's jurisdiction.

My second point is that we should better address the issue of humanitarian access, as some previous speakers have already pointed out. As the Secretary-General pointed out in his most recent report (S/2004/431), humanitarian access is either denied or obstructed for more than 10 million people around the world. Given such a number, my delegation finds it difficult to understand why we have to fight so hard in the General Assembly and in the Economic and Social Council to include proper language on access in resolutions concerning humanitarian assistance.

Humanitarian access has a single goal: to help people who are in critical need. No humanitarian action, no humanitarian staff member, intends to violate the sovereignty of States. Sovereignty is not a predominant issue for the humanitarian community, but it is a crucial point for those who deny access or link access to prior approval by the State concerned. That conflict of perceptions determines our humanitarian discussions and actions. Our energies are siphoned off by legalistic skirmishes, when instead we should be acting in concert to reach a broad-based operational approach. We believe that the vulnerable and those who suffer merit a more effective decision-making process among ourselves.

We appreciate the recommendations contained in the report of the High-level Panel on viable, practical measures such as training for political and peacekeeping representatives to negotiate access and

the use by the Security Council of special field missions or other diplomatic measures to enhance access and the protection of civilians.

If we want to improve the quality of protection, we have to look at the field. There is an evident need for improved coordination of protection measures at the field level. To date, no single United Nations agency has the overall competence to deal with protection. However, protection can be properly executed only if it is tackled in a comprehensive way. A first practical example of such coordination is the protection working group that was recently established in Khartoum to deal with protection issues in Darfur. My delegation is convinced that the Council should study additional ways in which to reach a more comprehensive level of protection.

Thirdly, we must stop the recent trend of using sexual violence as a weapon of conflict. The importance of reversing the escalating cycle of violence against women and children during and after conflict cannot be overstated. Women and children — be they civilians or female or child soldiers — are among the most vulnerable groups in times of conflict. Women are increasingly subject to cruel, degrading and often lethal treatment in times of conflict. Children suffer most and have the fewest defences in conflict situations if they are separated from or deprived of their parents, and their ability to cope with a quickly changing environment is very limited.

Many children without protection are being kidnapped and made child soldiers. Pressing children into military duty rather than letting them develop peacefully is one of the most short-sighted and cruel acts anyone can commit. Even apart from the cruelty involved, it will have a long-term negative impact. In that regard, I should like to recall Council resolution 1539 (2004) and the preceding relevant resolutions.

Women and children are also, to an unprecedented extent, victims of atrocious sexual violence. Worse still, sexual or gender violence is intentionally and systematically used as a weapon of warfare. We must undertake special efforts to study that phenomenon as diligently as possible to come to a swift determination on how to stop that practice. In its report, the High-level Panel proposes giving human rights components of peacekeeping operations explicit mandates and sufficient resources for investigating and reporting human rights violations against women. The Panel also proposes that the recommendations of Council resolution 1325 (2000) on women, peace and security and of the associated Independent Experts' Assessment for the protection of women be fully implemented. The German delegation fully concurs with those proposals.

Let me end my remarks by reiterating our position: we believe that a new resolution on the protection of civilians would be a feasible option for the Council. I say that, bearing in mind that many of the points raised by the excellent Security Council resolutions 1265 (1999) and 1296 (2000) still await implementation. However, we believe that the changing character of conflict and the development of new threats, new institutions and new tools to engage more effectively in assistance should be reflected in an operational text adopted by the Council.

Mr. Holliday (United States of America): I would like to welcome you, Mr. Minister, and to congratulate Algeria on its presidency. I would like also to thank Under-Secretary-General Egeland for his presentation.

The Secretary-General's report (S/2004/431) of 28 May, concerning the protection of civilians in armed conflict, paints a disturbing picture but also highlights ongoing work towards safeguarding civilians from the devastating effects of armed conflict. The Secretary-General and the Office for the Coordination of Humanitarian Affairs have provided us with a useful status report on the current situation and with good direction for the way ahead. Much depends, however, not on what we say or do here, but on what Governments do to protect their own people or to allow others to help.

Support for the protection of fundamental human rights is one of the foundations of United States foreign policy, as Secretary Powell outlined this week on the occasion of Human Rights Day. The lessons of the past are clear: the enjoyment of human rights helps to secure the peace, deter aggression, promote the rule of law, combat crime and corruption, strengthen democracies and prevent humanitarian crises. Regimes that violate the human rights of their own citizens are more likely to disrupt the peace and security of countries in their regions. The best guarantor of security and prosperity at home and abroad is respect for individual liberty and the protection of human rights through good governance and the rule of law.

Let me now turn briefly to some specific cases of concern to us in the international community. We continue to be gravely concerned about the ongoing crisis in Darfur, and especially the impact of the conflict on civilians in that region. Up to 70,000 have died, and another 1.8 million have been displaced. The situation in Darfur illustrates the urgent role that States must play to safeguard civilians, including those who are internally displaced. When States fail to do so, the United Nations, together with humanitarian agencies and organizations, must speak out and help address those crises. Several other countries, including Afghanistan, the Democratic Republic of the Congo and Liberia, have emerged from long-standing armed conflicts into delicate situations of transition where many protection challenges have increased. United Nations peacekeeping and assistance missions, together with support from non-governmental organizations and United Nations agencies, help to ensure that civilians in those regions are not denied the dividends of peace.

We are encouraged that the Security Council has been addressing the regional dimensions of civilian protection more consistently. Furthermore, Security Council resolutions and peacekeeping mandates regularly identify key protection issues, including the deliberate targeting of civilians, the use of sexual and other forms of gender-based violence, the recruitment and use of child soldiers and the need to ensure humanitarian access to facilitate the delivery of assistance and ensure the safety of United Nations and associated personnel.

On a related note, several of our Council colleagues have spoken of the need to deal aggressively with the question of impunity. As we have said on numerous occasions, the United States is committed to international accountability for war crimes, genocide and crimes against humanity. The impunity issue is a very important one and must be addressed. As my Council colleagues will appreciate, the United States position with regard to its own participation in United Nations missions and the International Criminal Court (ICC) is well known. It is our understanding that this particular presidential statement that we will adopt today does not deal with questions of the jurisdiction of the ICC. We are grateful to the Government of Algeria for leading us in formulating an excellent presidential statement, which we are very pleased to support.

In closing, the United States reiterates its support for United Nations efforts to promote universal respect for human rights and to help protect civilians from dangers arising from armed conflicts in many places around the globe. We encourage the Secretary-General, Under-Secretary-General Egeland and other key actors in the United Nations system to continue the dialogue on how United Nations bodies can better work together with States to promote protection and to present country-specific recommendations for the Council's consideration.

Mr. Dumitru (Romania): We are very honoured by your presence, Mr. Minister, and we wish to thank you and the Algerian presidency for taking the initiative of holding this very important and timely meeting on a highly topical matter. We are also grateful to Under-Secretary-General Jan Egeland for his thoughtful briefing. I would like also to mention that Romania associates itself with the statement which is to be made by the Permanent Representative of the Netherlands to the United Nations on behalf of the European Union.

We welcome the performance and progress that the United Nations and its partners have achieved in their humanitarian work since the Secretary General's report of 28 May (S/2004/431). However, it is evident that the situation remains disturbing in many parts of the world, since civilians, in particular women, children and other vulnerable groups, are increasingly targeted by combatants during armed conflict.

It goes without saying that the Council has already acted with respect to the protection of civilians in armed conflict. It has made a considerable number of commitments and identified certain priorities, which have been addressed to a significant extent. Nevertheless, the ever-changing picture of conflict we witness today forces us to adjust the ways we address the problem.

Perhaps the most dramatic evidence of the changing nature of conflict is the fact that civilians are no longer just incidental victims of armed conflicts, but have increasingly become targets and even tools of warfare. Women and children are especially vulnerable in situations of armed conflict, and there are situations in which humanitarian workers of the United Nations and non-governmental organizations have become direct targets — as a tactical move frequently resorted to by the factions engaged in conflict.

When moving from conflict to peace or from one conflict to the next, we are able to ascertain new trends and become aware of new needs related to the protection of civilians. We continually identify new threats to civilian populations, including to the most vulnerable among them, and foster attempts to come up with the right answers — often on a case-by-case basis in order to protect them. Each conflict is a milestone in that effort and teaches us new lessons. This Council has the obligation to adjust its responses accordingly.

First, we must strengthen norms and ensure their proper implementation. The Security Council must make sure that parties to conflicts are pressured to comply fully with the provisions of the Charter of the United Nations and with the rules and principles of international law, in particular international humanitarian, human rights and refugee law.

Further, we need to step up efforts to ensure that all States live up to their commitments to end impunity and prosecute those responsible for genocide, war crimes, crimes against humanity and violations of humanitarian law. Taking into account the special need for protection of certain categories of civilians, we must undertake specific measures and design a broad strategy with the aim of preventing and addressing cases of sexual and gender-based violence and making sure that those atrocious violations of human rights do not go unpunished.

Against that backdrop, Romania considers that special attention still needs to be given to the humanitarian crisis in Darfur, as well as to those in northern Uganda, Côte d'Ivoire and the Democratic Republic of the Congo — to name only the most tragic examples of situations in which civilians are suffering from armed conflicts. We have been actively involved in encouraging the inter-Sudanese peace process and in finding solutions for the humanitarian crisis in Darfur. The Security Council must continue to be active in that respect; Romania is ready to support the creation of new instruments designed to appropriately calibrate our responses in order to protect civilians in armed conflict in an ever-changing security context.

Prevention is key to protection. In that respect, we need to adopt a more strategic approach in order to address the root causes of armed conflict in a comprehensive manner. The international community must provide the necessary incentives for parties to engage in meaningful processes of political reconciliation. Establishment of democratic institutions, respect for human rights and ensuring material conditions for sustainable development in societies shaken by conflicts are of no less importance.

On the other hand, the regional dimension of certain armed conflicts has been proven. Romania has always strongly supported the United Nations entrusting regional organizations with the mandate to take up this agenda and bring the tasks associated with it to fulfilment. In order to better calibrate our response to the evolving environment of conflicts and to build a viable system of protection — on issues involving the processes of disarmament, demobilization, reintegration and rehabilitation; refugees and internally displaced persons; or small arms — we must also think regionally and engage the United Nations in a mutually beneficial cooperation with regional organizations. The development of a regional protection strategy should be one important step in that direction. We welcome the Secretary-General's recommendation regarding the establishment of a framework within which the United Nations could engage with regional organizations in a more systematic way when addressing humanitarian aspects of various crises at the regional level.

We are of the opinion that is it essential to improve the overall capacity of the United Nations system to provide appropriate responses to crises — for example, by providing peacekeeping missions with appropriate mandates and adequate resources, thus enabling them to better attain their objectives, including the protection of civilians in situations of armed conflicts.

It is in this very context that Romania welcomes the Algerian initiative to conclude this important meeting with a presidential statement that would also open the road to further follow-up, including by the Security Council, of this topical issue.

Mr. Adechi (Benin) (*spoke in French*): We welcome you, Sir, and are honoured to see you in the Chair for our debate today. We commend your delegation for the initiative you have taken to organize this open meeting on a very important topic, given the gravity of the situations to which it refers.

The statement just made to the Security Council by the Under-Secretary-General for Humanitarian Affairs, Mr. Jan Egeland, shows how great our challenge is in this area. We would like to thank Mr. Egeland for again having been up to the task of

defining the tribulations that civilians face in situations of conflict throughout the world.

States have the major responsibility to protect their populations that are under their sovereign control. It is a major principle of international law. That responsibility implies that appropriate measures must be taken to ensure the security of people and property on the territory that the State controls. That responsibility is often flouted by the defiant behaviour of non-State armed groups, who launch attacks and commit atrocities against civilians, revealing the difficulty that some States have in meeting their governmental responsibilities.

The Security Council has adopted many resolutions examining this issue from different angles, the last one being resolution 1566 (2004), which condemns all attacks against civilians. Protection of civilians in time of conflict is no longer considered a subsidiary element of the Security Council's mandate, which is to guarantee international peace and security. Protection of civilians is an integral and essential part of this mandate. The ultimate goal of the Council's work is, in fact, to protect the security of people throughout the world, not only those in the States where they live.

Since 1999, the Security Council has recognized the complex nature of contemporary conflicts and the more obvious need to take into account, in a consistent and comprehensive fashion, the situation of civilians in all international interventions that seek to end a conflict. Last year, during this same period in December, and in June of this year, the Council dealt with this question. Among other actions contemplated, the Council decided to give preponderance to the aide-mémoire and the ten-point plan of action, also known as the humanitarian road map. To be effective, these instruments must be regularly updated.

We are pleased that the protection of women, children and the elderly, as well as displaced persons, is seen as an important issue. In treating these issues, it is necessary to give pride of place to gender-specific and gender-related measures that will help to better define the mandate of peacekeeping operations, as well as support programmes for reconstruction. And we should, as well, establish refugee camps for displaced persons far away from borders to ensure their civilian character. Increasing the effectiveness of the response of the international community in terms of protecting civilians can be accomplished by means of three priority actions.

First, prevent human rights violations and gross abuses. To do that, the Council should reaffirm the need to prevent excesses against civilians. Wherever civilian populations are threatened, the Council must be up to the task of deciding quickly on the measures needed to ensure their protection. The mandate of peacekeeping operations must allow them to intervene effectively to stop massacres and other massive violations of human rights.

Secondly, compel the parties to conflicts to strictly respect international humanitarian law and human rights. The Council could take measures that would increase the penalities for misconduct on those who engage in it. Sanctions targeted against those who commit such violations could serve as a deterrent. Blocking access to populations who need humanitarian assistance and attacks on humanitarian staff should be included among the acts that trigger the imposition of international sanctions.

Thirdly, put an end to impunity. Repeated massive violations of human rights and humanitarian law during conflicts result from the fact that the perpetrators of these heinous crimes still have a great deal of room to manoeuvre and freedom to commit those crimes. The mere creation of international criminal tribunals seems no longer to be sufficient. It is necessary to help apprehend and bring before those bodies those who infringe upon the universally recognized norms. This could be accomplished by giving peacekeeping operations the power to refer to international jurisdictions those who have committed crimes in their areas of competence. To do that, the Council would have to speak with one voice.

What about United Nations staff who are engaged in reprehensible conduct in the exercise of their functions within peacekeeping operations and in various situations where the population needs their help to ease suffering? My delegation welcomes the measures taken by the Secretary-General, in particular, Secretary-General's Bulletin (ST/SGB/2003/13) on special measures for protection from sexual exploitation and sexual abuse. We support the content of that Bulletin, being of the view that the staff of the Organization should be above reproach and must fulfil their obligations and responsibilities with the dignity appropriate to functions of that nature.

Above and beyond these considerations, the Council must give more attention to the prevention of conflicts and make sure that the efforts of peacebuilding following conflicts will recognize the crucial role that women and civil society can play in the consolidation of the processes of normalization and in national reconstruction.

Finally, we support the draft presidential statement that has been tabled by the French delegation.

The President (*spoke in Arabic*): I thank the representative of Benin for his kind words.

Mr. Sardenberg (Brazil): First of all, I would like to express how pleased my delegation is to see you, Mr. Minister, presiding over the work of the Security Council today. Algeria's views on the crucial issues under consideration in the Council are always a valuable contribution. They broaden the perspective of analysis, thus adding value and credibility to the work of the Security Council.

May I also emphasize my delegation's sincere appreciation to Ambassador Abdallah Baali for his performance as President of the Security Council for this month.

Protecting civilians in armed conflict is one of the most challenging tasks facing contemporary international life, so I would also like to express my delegation's appreciation to Under-Secretary-General Jan Egeland for his comprehensive and thought-provoking statement.

It has been one year since Mr. Egeland presented to the Security Council his ten-point platform on the protection of civilians in armed conflict. Today's debate is a welcome opportunity to revisit this critical topic, address some of the most pressing issues and focus on concrete steps forward. As we are well aware, problems relating to protection have reached distressing dimensions, and, in paragraph 231 of the report of the High-level Panel on Threats, Challenges and Change (A/59/565), the diagnosis on the subject of protecting civilians is precise:

> "In many civil wars, combatants target civilians and relief workers with impunity. Beyond direct violence, deaths from starvation, disease and the collapse of public health dwarf the numbers killed by bullets and bombs. Millions more are displaced internally or across borders. Human rights abuses and gender violence are rampant."

Actually, it could even be said that, in some wars, civilians seem to be the belligerents' preferred targets. The work of humanitarian actors has, in many cases, been hindered or prevented by denial or obstruction of access, poor security conditions and lack of resources. These are key challenges for the United Nations as a whole and for its humanitarian partners.

The Council itself has achieved quite a lot in pushing forward the agenda for the protection of civilians. The time has come to reaffirm our commitment and agree on comprehensive, coherent and action-oriented approaches. The resolutions already adopted by the Council offer much potential for our work to advance.

More effective use must be made of the set of rules that seek to limit the effects of armed conflict. Law must be translated into concrete action. The primary responsibility to abide by law and to protect civilians from the ravages of war lies with belligerents. They must comply fully with international humanitarian law; but in contemporary conflicts, humanitarian law seems mostly neglected or deliberately breached. There is an ever-widening gap between existing international norms and respect for such norms.

A concrete possibility that deserves careful attention and study is that of establishing a framework within which the United Nations could more regularly engage with regional organizations on humanitarian issues related to protection and access, as recommended by the Secretary-General in his latest report. In this respect, my delegation will focus attention on possibilities such as the mechanism to provide better facts and statistics on protection, as mentioned by Under-Secretary-General Egeland this morning.

The Security Council has an important role to play in the fight against impunity, with a view to ensuring that the gravest international crimes do not go unpunished. The Rome Statute calls for a close and cooperative relationship between the International Criminal Court (ICC) and the Council, and it provides that the Council may refer to the Court cases of genocide, war crimes or crimes against humanity. By bringing perpetrators to justice, the Court will be able to provide long-term deterrence, thus playing a

fundamental role in protecting civilians in armed conflict.

In discussing peacekeeping mandates, the Council has included provisions on the protection of civilians on a case-by-case basis. We are advancing in this area, and we must continue to do so, especially in order to ensure the protection of women, children and other minority groups. While peacekeeping operations have been broadened, they have not been provided with adequate resources for the protection of civilians. For instance, disarmament, demobilization and reintegration (DDR) programmes, a key component of the protection agenda, remain continuously under-resourced, especially in the rehabilitation and reintegration phases. In countries emerging from conflict, disarming and demobilizing activities need to be matched with actions to reintegrate and rehabilitate ex-combatants into society through employment support and other income-generating projects.

The core components of DDR programmes must be funded from the assessed peacekeeping operation budget in order to guarantee adequate and predictable funding. The lack of support for the so-called forgotten emergencies is an issue that needs to be addressed properly. If the horrors of some wars are quite often highlighted by the mainstream media, other crises appear, unfortunately, to be forgotten or ignored. We must ensure that humanitarian aid is allocated in a non-discriminatory, balanced and proportionate manner. Humanitarian assistance must be afforded on the basis of need; it should not depend on political preferences. In his report, the Secretary-General has encouraged the Council to consider the links between peace and security and inadequate funding in certain crises.

In conclusion, we have to work with all the required means to adopt concrete measures in order to alleviate the suffering of civilians who are trapped in situations of armed conflict. The most urgent task ahead of us should be implementation in the field.

Mr. Lucas (Angola): We are grateful to the Algerian delegation for organizing this meeting. We welcome your presiding over this important debate, Sir, on the protection of civilians in armed conflict, and we thank Under-Secretary-General Jan Egeland for his valuable introduction to this debate.

We endorse the platform and practical measures formulated in Mr. Egeland's statement aimed at addressing the challenges posed by the protection of civilians and at enhancing the protection of those in need.

The protection of civilians is at the core of the Security Council's mandate to ensure international peace and security, and humanitarian access to civilians lies at the heart of protection response, as Mr. Egeland reminded us in his statement. The fact that we are meeting today to consider this issue translates into two-fold reality — that the issue is at the centre of international concern and that further progress must be made in strengthening the international ability to protect civilians in situations of armed conflict.

It is my delegation's view that the Security Council, which is responsible for the maintenance of international peace and security, should assign a more relevant role to early-warning and conflict prevention mechanisms. The international community should be equipped with the instruments to translate political will, strategic vision and operational readiness to decisively address any threat to peace and to hold back crisis situations from developing into those of uncontrollable proportions. Security Council interaction with regional and subregional organizations should be further developed in the field of conflict prevention. Regional organizations are particularly well suited to work with the Security Council. They can serve as suitable double instruments for early warning about escalating tensions; they can provide accurate assessments of crisis situations and engage in preventive diplomacy with the advantage of having first-hand knowledge of local idiosyncrasies. It is our view that regional organizations can be fundamental players in conflict prevention and, as Mr. Egeland stated, they can assume great importance in providing protection to civilians in armed conflict; it is of critical importance that they are provided with the necessary support to fulfil their role.

The legal framework relating to international humanitarian law, human rights law and refugee law should be strengthened, and State and non-State actors should comply with those provisions. Governments cannot interpret these binding rules as relative norms that can be set aside if inconvenient, since they are part and parcel of the international legal order. The United Nations system should be involved, with the particular responsibility of taking appropriate and comprehensive action to achieve universal respect for humanitarian law.

Moreover, the international community should demonstrate renewed resolve in fighting impunity and in ensuring the rule of law, justice and reconciliation through the establishment of effective and fair systems for the administration of justice and in ensuring accountability for atrocities and violations of human rights and international humanitarian law.

In spite of the fact that primary responsibility for the protection of civilians in armed conflict rests with Governments, non-State actors should have a direct responsibility to ensure that the basic needs and the protection of civilian populations are met. Creating comprehensive, integrated and coherent responses to the needs of the civilian population remains a very important challenge for the international community. In that regard, we recall the Security Council's commitment in resolution 1265 (1999) to respond to armed conflict situations in which civilians are being directly targeted or humanitarian assistance is deliberately being denied.

Another issue that deserves increased attention from the international community is the traffic in and the widespread use of small arms, light weapons and anti-personnel mines, owing to their disastrous impact on the scope and the level of violence that affects civilian populations during and after armed conflicts. In that context, we underline the importance of the Nairobi Declaration at the conclusion of the Summit on a Mine-Free World.

In conclusion, we welcome the latest report of the Secretary-General (S/2004/431), which addresses a number of highly topical issues related to the protection of civilians in armed conflict, such as the separation of armed elements from civilians in refugee camps; the safety and security of humanitarian personnel; safe and unhindered access of humanitarian personnel seeking to assist civilians in armed conflict; sexual exploitation and gender-based violence in humanitarian crises and conflict situations; the commercial exploitation of conflicts and the plundering of resources, the involvement and role of terrorist organizations in armed conflict; the provision of security, law and order in post-conflict situations; disarmament, demobilization, reintegration and rehabilitation of former combatants, especially children; and the training of security and peacekeeping forces in higher standards of respect for human rights. Those are some of the fundamental issues that States, the United Nations and the international community should address in dealing with the sensitive issue the Council is dealing with today.

In conclusion, we would like to express our agreement with the excellent presidential statement proposed by the Algerian delegation and agreed by the members of the Council as the outcome of this debate.

The President (*spoke in Arabic*): I would now like to make a statement in my capacity as the representative of Algeria.

I would like to thank the members of the Council for their kind words addressed to me and to my country, and I join them in thanking Mr. Egeland, Under-Secretary-General for Humanitarian Affairs, for his excellent briefing on the progress made in the area of the protection of civilians in armed conflict and for the important information he has provided on what remains to be done in this area so closely linked to the maintenance of international peace and security.

In spite of the gaps that remain to be filled, significant progress has been made in the area of protection, and we believe that it is appropriate to welcome those advances in the context the Millennium Declaration and the major projects undertaken — or to come — aimed at adapting the Organization's response to new challenges.

We are thinking, in particular, of the gains resulting from the gradual implementation of the recommendations of the report of the Panel on United Nations Peace Operations, of the progress made in halting impunity, of the improved coordination of efforts in conflict prevention, particularly through the establishment of an ongoing relationship with regional organizations, in accordance with Chapter VIII of the Charter and, more generally, of the progress made in the reform of the United Nations.

That progress should be consolidated next year by the decisions to be adopted following the debate on the relevant recommendations of the Secretary-General in response to the report of the High-level Panel on Threats, Challenges and Change. It is timely that the summit to be held in 2005 on the implementation of the Millennium Development Goals will be followed by the periodic review requested of the Secretary-General, thus enabling a timely five-year assessment.

The first report of the Secretary-General on the protection of civilians in armed conflict (S/1999/957), issued in September 1999 at the request of the Security

Council, and the exchanges between the two organs pursuant to that report have provided some structure in this area, which we think should be highlighted. At various stages, the exchanges have enabled the Organization to create inter-institutional mechanisms and better-planned multidisciplinary peacekeeping operations in order to address this very difficult issue.

In fact, the key concerns in the area of protection are systematically highlighted in Security Council resolutions, and greater importance is given to them in the mandates of United Nations operations. Those concerns relate to attacks against civilians, sexual violence against vulnerable groups, humanitarian access and the process of disarmament, demobilization, reintegration and rehabilitation, which remains the fundamental element in the transition to peace.

Moreover, the more rapid deployment of United Nations peacekeeping forces and of forces authorized by the United Nations has given concrete substance to the concept of preventive deployment, which is intrinsically linked to the progress made in the regional approach to conflict prevention. The regional dimension of the protection of civilians is reflected particularly in the decisions taken in the area of disarmament, demobilization, reintegration and rehabilitation and the cross-border movement of refugees, combatants and small and light arms.

That definite progress should not lead us to overlook the numerous gaps in the legal and physical protection of civilian populations caught in the grips of war. That remains a long-term task. In fact, far from decreasing over the last five years, the number of people requiring protection has increased from 30 to 50 million. The complex nature of crises and aggravating factors, such as illicit arms trafficking, illegal exploitation of natural resources and mercenaries, all contribute to the deliberate targeting of non-combatants and have increased considerably the level of resources required in response.

The international community has in recent years shown on many occasions its determination to react swiftly to situations of emerging crises with the appropriate means, namely by providing peacekeeping operations with strong mandates. In our opinion, it should show the same determination to mobilize the necessary resources as soon as it is foreseen that such needs will increase before the positive long-term effects of conflict prevention are felt.

We are particularly concerned about preserving, through the allocation of an adequate level of resources, the gains that have been made through the regional approach to protection, because the burden in that respect continues to fall primarily on those States neighbouring conflict zones and on subregional organizations, whose main goal is not the maintenance of international peace and security but, rather, integration and cooperation among their members.

Furthermore, the fact that immunity of United Nations and humanitarian personnel is increasingly being breached is a disturbing development that raises the issue of respect for international humanitarian law as well as that of impunity. We must accordingly strengthen the mandates and capacities of peacekeeping operations as well as increase awareness of the norms of international law and insist on their respect by the parties to a conflict, including non-State armed groups.

With respect to United Nations peacekeeping forces, whose primary mission must be to reassure and protect civilians, their behaviour vis-à-vis civilians, in particular towards women and children, must meet the highest standards in terms of respect for the law. Given that reports indicate that certain reprehensible acts continue to be carried out by some United Nations and peacekeeping operation personnel, despite the circular issued by the Secretary-General, greater firmness must be shown in that regard.

Let me now turn to an important aspect of the protection of civilians in armed conflict, which has not always received the necessary attention from the Council. My delegation believes that the first line of defence with respect to international humanitarian law and the 1949 Geneva Conventions, which form its basis, can be found in the occupied territories.

In occupied Palestine and elsewhere in the Middle East, situations persist that are characterized by massive and flagrant violations of international law and of the humanitarian principles that govern the protection of civilians. Although such violations are committed by clearly identified State actors, the Council has not always shown its usual determination and resolve in that respect. There can be no doubt that its credibility and that of the international community, with respect to the very sensitive issue of impunity, are being sorely tried by the use of a policy of double standards, which benefits in particular Israel.

The current debate provides the Security Council with a fresh opportunity to make the necessary adjustments. From the normative point of view, situations of occupation have shown that renewed efforts must be made to take into account military operations conducted by regular armies in an urban environment or in heavily populated areas in order to limit the questionable concept of "collateral damage". Given the proliferation today of highly destructive conventional weapons, the message sent by the international community with regard to protecting civilians would be that much stronger.

I now resume my functions as President of the Security Council.

I propose, with the consent of the members of the Council, to suspend the meeting until 3 p.m.